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Paper No. 7

Texas Instruments Incorporated  
PO BOX 655474  
MS 3999  
Dallas TX 75265

APR 30 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
Nikolaus P.W. Almassy  
Application No. 09/672,535  
Filed: September 28, 2000  
For: **SYSTEM AND METHOD FOR  
ADAPTIVE DEEP-SLEEP SLOTTED  
OPERATION**

DECISION  
ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment filed January 8, 2004 pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed April 17, 2003. A Notice of Abandonment was mailed December 11, 2003.

Petitioner alleges to have timely filed a response to the Office action on June 13, 2003. In support thereof, Petitioner has provided a copy of a return post card date stamped as received by the PTO on June 16, 2003 and which lists the filing of a rule § 1.111 amendment. The subject petition also included a copy of the rule §1.111 amendment.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the amendment submitted with the petition. From there, the application file will be forwarded to the examiner for appropriate action in due course.

Allen MacDonald, Director  
Technology Center 2600  
Communications  
(703) 305-4800